IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.861 of 1999

Dated: 20th July, 2006

Between:

T.Rami Reddy, died, per L.Rs.
T.Ravinder Reddy & others.

.. Petitioners

and

The Cooperative Appellate Tribunal,
Hyderabad & others.

.. Respondents

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ORDER:

This writ petition is filed being aggrieved by the order made in C.T.A.No.106 of 1995 dated 10.12.1998 wherein the order passed in E.P.No.137/94-95 was under challenge.

The petitioner obtained agricultural loan from the respondent

Bank under various heads for the purpose of raising Mango Garden, Pomegranate garden, fencing and for purchasing Tractor etc. It seems when he failed to repay the loan amount attachment proceedings were initiated by attaching the movable properties of the petitioner. Aggrieved by the same, petitioner filed C.T.A.No.106 of 1995 before the first respondent-Tribunal. In the impugned order, the Tribunal while dealing with the question as to whether the attachment of movables and issue of sale notice was proper or not as per the Statute and Rules, held that the appeal is filed only questioning the validity of the sale notice and sale of properties that were attached. The decree passed in the award is not challenged, therefore, it is not permissible to go beyond the decree. The appellant being debtor is expected to maintain proper record showing as to how and when he repaid the loan amounts. It seems before the Tribunal, arguments were advanced which are irrelevant for its consideration, as they go beyond the decree and award passed against the appellant. In view of the same, the appeal was dismissed. Aggrieved by the same, the present writ petition is filed.

Heard both sides and perused the material available on record.

I am of the considered opinion that no ground is made out to interfere with the impugned order passed by the first respondent-Tribunal. The Tribunal, as noticed above, has examined the limited issue before it as to issuance of sale notice for attachment of the movable property. The Tribunal has rightly observed that it could not go beyond the decree or award passed by the primary authority. The writ petition is devoid of merit and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 20.7.2006

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